

EVOLUTION OF AN ORDINANCE

The Alcoholic Beverage
Ordinance of 2015

Issues Initially Identified

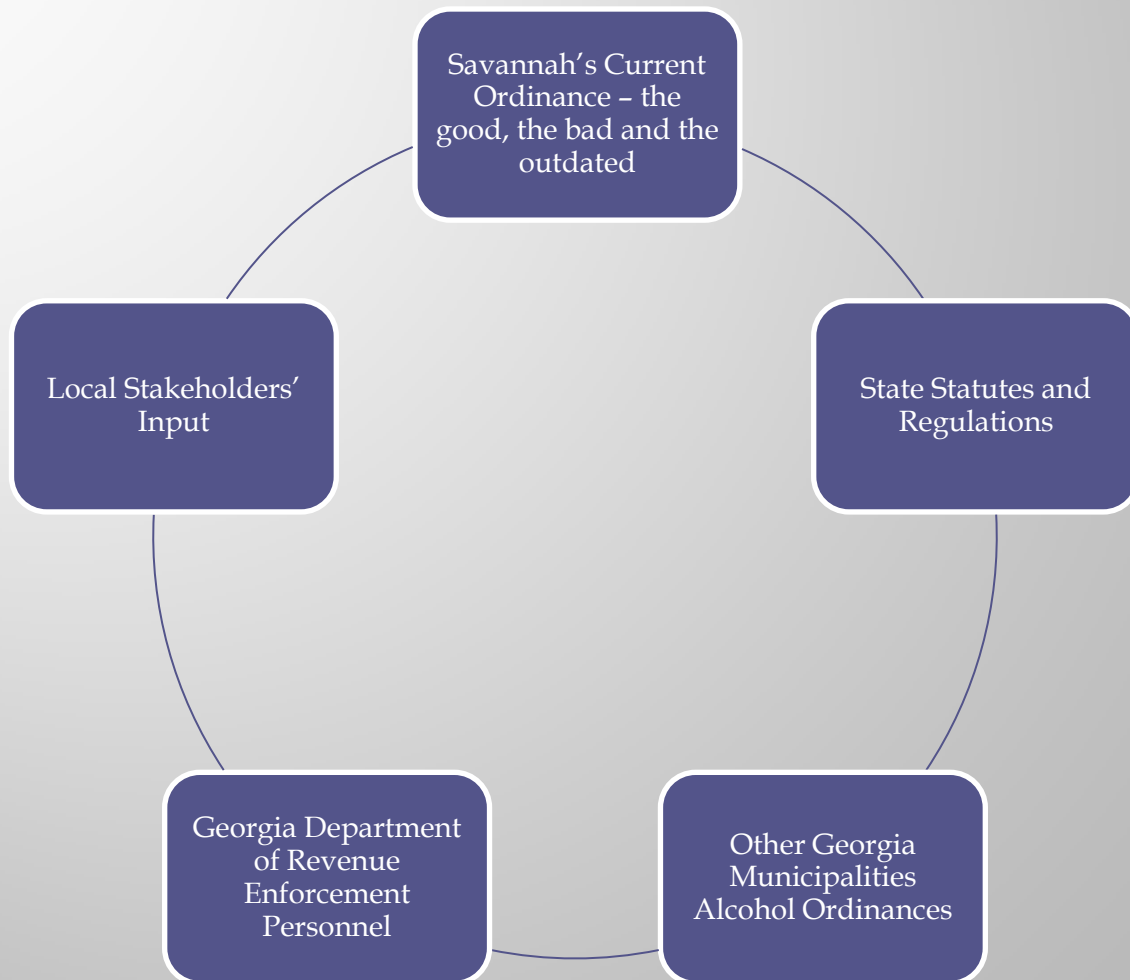
(June 2013)

1. The Hybrid Permit- restaurant vs. bar, underage patrons...

2. Modernization/Synchronization with State Law

3. Enforcement Options/Sanctions

Resources and Contributors



Development and Formulation of the Licensing Matrix

Premises:

1. No longer just bars and restaurants selling alcohol
2. Licensing in context of bars and restaurants overlooks other uses that should be regulated
3. Increasingly difficult to distinguish between bars and restaurants, making nomenclature obsolete and unwieldy considerations in context of enforcement
4. Nature of operation, not what a business calls itself, should dictate proper licensing
5. Necessary to reexamine handling of underage patrons, particularly ages 18-21

LICENSE CLASS	APPLICANT CLASS	DISTILLED SPIRITS	MALT BEVERAGE	WINE
A	Licensed Alcohol Caterer	1 (A1 is incompatible with Class E, F and G uses)	2 (A2 is incompatible with Class E, F and G uses)	3 (A3 is incompatible with Class E, F and G uses)
B	Manufacturer (Brewer = B2)	1	2	3
C	Retail Dealer (on premises consumption)	1	2	3
D	Retail Package Dealer (off premises consumption)	1 (B1, C1 and D1 are incompatible uses)	2 (C2 and D2 are incompatible uses)	3
E	Ancillary Retail Package Dealer	X (ineligible use)	2	3
F	Wholesaler	1	2	3
G	Complimentary service	X (ineligible use)	2	3
H	Samples	X	2	3
I	Underage Permit	-----	-----	-----

Uses and Activity not Addressed in Current Ordinance

1. Alcoholic Beverage Caterers
2. Complimentary Service Providers
3. Samples (package stores)
4. Free Tastings (tours)
5. Ancillary Package Alcohol Sales
6. Event Venues
7. Live Entertainment Performances

Alcoholic Beverage Caterers

- Recognized in state law but currently impermissible within the City
- Will permit licensees to sell or dispense alcoholic beverages off-premises, resolving current anti-competitive ban
- Requires a separate license
- Prohibition on service by anyone under age 21

Complimentary Service Providers

- Current ordinance does not regulate non-hospitality industry businesses that offer free alcoholic beverages by the glass
- Will permit service of free wine and beer, not to exceed 6 oz. of wine and 8 oz. of beer.
- Cannot serve distilled spirits
- No service on Sundays

Samples

- Designed to address package stores that desire to allow patrons to test beverages before purchasing
- Will permit package stores to provide free 1 oz. samples of wine or beer

Free Tastings

- Applies exclusively to licensees engaged in manufacture of spirits, malt beverages and wine
- Term of art derived from state law
- Distillers may provide up to 1/2 oz. during tour
- Brewers may provide up to 36 oz.
- Service may only occur in context of a tour

Incidental Package Alcohol Sales

- Intent is to recognize and distinguish package stores where alcohol sales are primary source of income versus those where package sales are ancillary to the business
- Will only permit sale of beer and wine by the package

Event Venues

- Designed to address artistic performances, exposure to which should not be limited to those over age 21
- Encompasses live and recorded music, theatre, film and similar events of a limited duration
- To qualify, venue cannot be open daily for performances and cannot have a permanent bar
- Cannot provide alcohol more than one hour before and one hour after a performance
- No Sunday sales

Live Entertainment Performances

- Designed to address inability of underage persons to attend live music events
- Defined to include vocal or instrumental performances
- Performer must be physically present
- Excludes disc jockeys and karaoke performances
- Must obtain Underage Permit
- Expands enforcement options

Other Topics Reconsidered

- Bar Cards
- Insurance
- “Go-cup” Boundaries
- Operational Security Plans
- Duty to Cooperate w/Law Enforcement

Public Input Process

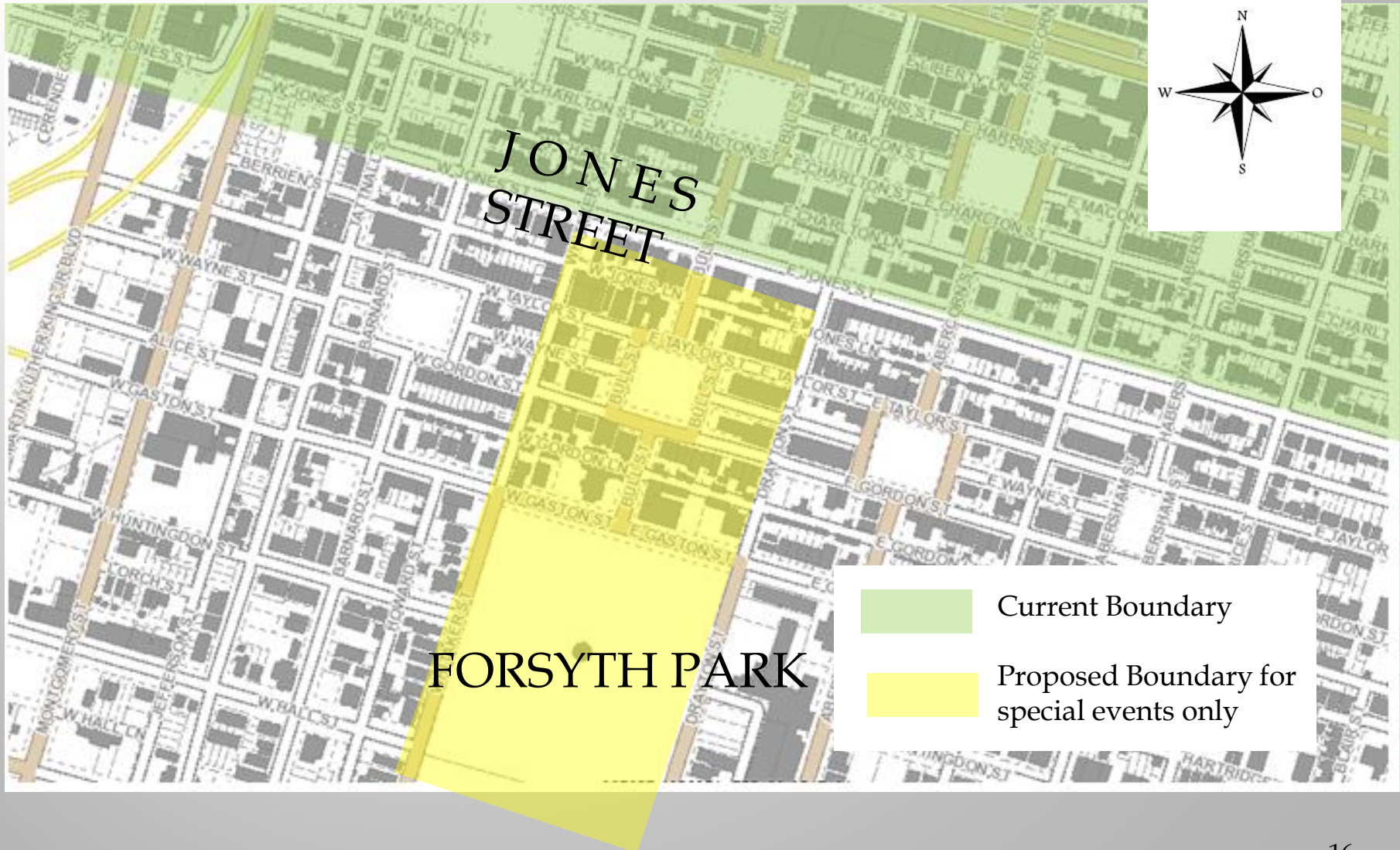
(Summer 2014)

- Draft Ordinance released to public
- Several public meetings with drafting staff - including panel discussions
- Posted on-line survey
 - 600+ survey responses received
 - 200+ comments received
- Throughout the process, staff has participated in numerous meetings with businesses, residents, trade associations and other interested parties
- Resulted in re-draft, publicly disseminated in February of 2015

Incorporation of Public Feedback

Current Ordinance	First Draft	Proposed Draft
Underage persons permitted in restaurants until closing	Underage persons to leave restaurants at 10:00 p.m.	Underage persons permitted in restaurant until closing
Underage persons not permitted in bars	Underage persons not permitted in bars	Persons age 18-20 permitted in bars to attend live entertainment performances only
Go-Cup boundary – stops at Jones St.	Go-Cup boundary expanded to include Forsyth Park	Go-cup boundary expanded to include Forsyth during special events only
Event Venue not a recognized use	Event Venue not a recognized use	Event venue use created and permit entry of persons aged 18-21

Proposed To-Go Cup Boundaries



Incorporation of Public Feedback

(cont'd)

Current Ordinance	First Draft	Proposed Draft
Operational security plan required on case-by-case basis	Operational security plan required for all alcohol serving establishments with minimum security standards	Operational security plan required for establishments allowing 18-21 and on case-by-case basis. No minimum security requirement
Caterers unable to offer alcohol sales as a service	Caterers now able to obtain an alcohol license	Caterers now able to obtain an alcohol license
Bar cards required	Bar cards eliminated, but establishment to maintain manifest and proof of training	Bar cards required for all persons serving alcohol – training program specified by CM, potential for outsourcing cards
Hybrid for transitioning establishments	Late night license required if open past midnight	Late night license removed

What Has Not Changed?

1. Application process and content
2. Advertisement of license applications
3. Approval of Mayor & Aldermen of all licensing actions
4. License restrictions
5. Hours of operation and Sunday Sales limitations
6. Zoning considerations
7. Bona fide social clubs
8. Property maintenance standards

Recent State Law Changes

- SB 63: Relaxed certain limitations on; “free souvenirs” permitted for brewery and distillery tours
- HB 152: “Disciplinary action” - Self-reporting and municipal 45 day reporting requirements; powder alcohol ban; “bouncer” must be at least 21; underage persons permitted in bars to attend live music and art performances
- HB 517: Cities may permit grocer with beer or wine package sales to operate less than 100 yards from a college campus

What is on the Horizon?

- Continued growth of local and micro breweries
- Craft distilleries
- Exceptions to Georgia's three-tier system (SB 63)

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